

REMARKS

I. STATUS OF THE CLAIMS

Claim 14 is amended herein. Support for the amendment is found, for example, in paragraph [0017] of the specification. No new matter is added.

Claims 1-14 are currently pending. Of these, claims 5-9 are withdrawn from consideration.

II. REJECTION OF CLAIM 10 UNDER 35 USC 112, FIRST PARAGRAPH

The Examiner asserts the there is no support in the specification for the recitation in claim 10 of "configuring and executing user transaction tests and reporting user transaction test results". It is respectfully submitted that support for this recitation is found, for example, in paragraphs [0009], [0010], [0015], [0016], [0017], [0018] and [0019], of the specification, in addition to the disclosure of claim 10 as originally filed.

In view of the above, it is respectfully submitted that the rejection is overcome.

III. REJECTION OF CLAIMS 10-13 UNDER 35 USC 102(A) AS BEING

ANTICIPATED BY HEWLETT-PACKARD COMPANY [FIREHUNTER, [HTTP://WEB.ARCHIVE.ORG/WEB/19991013073731/HTTP://FIREHUNTER.COM/](http://web.archive.org/web/19991013073731/http://firehunter.com/)], pages 1-30 (HEREAFTER "FIREHUNTER")

The present application was filed April 3, 2001, and claims priority to provisional application 60/200,295, filed April 28, 2000, as indicated on page 2, lines 3-4, of the specification.

The Firehunter reference provided by the Examiner is not a cohesive reference - rather is a collection of pages, some of which were printed on different days.

More specifically, page 1 indicates that it was printed on October 17, 2003, and pages 2-10 indicate that they were printed on October 20, 2003. Please note that these printing dates are after the filing date of the present application.

Pages 11 -30, labeled "Firehunter/e-Commerce Concepts Guide, Final Draft", do not list any publication date. It appears that this portion of the Firehunter reference should be separate from, and may have a different effective date, than pages 1-10 of the Firehunter reference.

In view of the above, it is respectfully requested that the Examiner withdraw the rejection. However, if the Examiner decides to maintain the rejection, it is respectfully requested that the Examiner provide some indication as to where each different portion of the Firehunter reference was obtained by the Examiner, and any indication that the Examiner may have as to the publication dates of the different portions.

IV. REJECTION OF CLAIMS 1 AND 14 UNDER 35 USC 103 AS BEING
UNPATENTABLE OVER FORMAN ET AL. (USP 6,178,449)

Forman relates to a method of monitoring transaction times in a client-server system. (Forman, col. 9, lines 44-45). In item 6, on pages 6 and 8 of the November 6, 2003 Office Action, the Examiner interpreted transaction time manager 414 as the claimed software agent, and the Examiner interpreted stats table 484 in Forman as the claimed log file.

In Figure 4, Forman illustrates stats file 484 as residing on client system 440 as part of transaction time database 480. (Forman, col. 7, lines 12-14; Fig. 4). Also in Figure 4, Forman illustrates transaction time managers 414, 422, and 434 as residing on server systems 410, 420, and 430, respectively. (Forman, col. 7, lines 4-9; Fig. 4). Forman further describes server systems 410, 420, and 430 as any system that may interact with client system 440 (Forman, col. 7, lines 9-11), highlighting the distinction between the server systems and client system 440.

In independent claim 14 (as amended herein), the software agents are installed onto the servers, and the log files are on the servers. Therefore, because Forman discusses stats file 484 as residing on client system 440 and transaction time managers 414, 422, and 434 residing on server systems 410, 420, and 430, Forman clearly does not anticipate the present invention as recited, for example in claim 14, which recites the software agents and the log files both on the servers. Claim 1 recites similar features as those described herein for claim 14.

Please note that claim 14 is amended herein to recite "installing the software agents on the respective associated servers." Support for the amendment to claim 14 is found, for example, on page 7, paragraph [0017], of the specification.

In view of the above, it is respectfully submitted that the rejection is overcome.

V. REJECTION OF CLAIMS 2-4 UNDER 35 USC 103 AS BEING UNPATENTABLE
OVER FORMAN IN VIEW OF FIREHUNTER

The above comments regarding Forman and Firehunter also applies here.

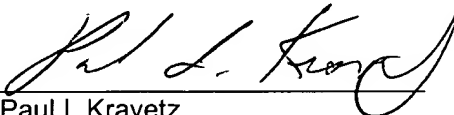
In view of the above, it is respectfully submitted that the rejection is overcome.

VI. CONCLUSION

In view of the above, it is respectfully submitted that the application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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